

## **REMARKS**

The Examiner is respectfully requested to enter the foregoing amendment prior to examination of the above-identified patent application.

The Office Action dated March 13, 2007, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 7, 15, 23, 31 and 39 have been amended and new claims 72-76 have been added. No new matter is presented. Support for the amendments to claims 7, 15, 23, 31 and 39, can be found on at least page 10, line 22 to page 12, line 6 page 11, line 28 to page 12, line 6, page 20, line 21 to page 21, line 7 and Fig. 7b of the application.

Claims 7-76 are pending and claims 47-52, 56-58 and 67, 68 and 70 have been allowed. Accordingly, claims 7-46, 53-55, 59-66, 69 and 71-76 are respectfully submitted for consideration.

### **Allowable Subject Matter**

The Applicants wish to thank the Examiner for allowing claims 47-52, 56-58 and 67, 68 and 70.

### **Interview**

The Applicants wish to thank the Examiner for the interview granted on April 18, 2007. In the interview, claims 7, 47, 53 and 59 and following references were discussed: Heo (U.S. Patent No. 6,167,192), Aoki et al. (U.S. Patent No. 6,243,220 B1) and Kinoshita et al. (U.S. Patent No. 4,445,151, "Kinoshita"). As a result of the interview, the Examiner indicated that further consideration would be given to the claims

as amended above, and that the Examiner would reconsider the rejection of claims 53 and 59, which include the subject matter indicated as allowable in the allowed claims.

### **Response to Amendments/Arguments**

Page 2, paragraph 3 of the Office Action states that the previous rejection under 35 U.S.C. § 112, first and second paragraphs, was withdrawn, but that page 21, lines 3-9 of the Specification does not indicate time series or selection in succession.

The Applicants respectfully submit that the Specification, as referenced, discloses that during a program the multiplexed audio signal including the main sound and sub-sound is input so that the multiplex recording mode is selected. When a commercial message is broadcast, the stereophonic recording mode is selected. The Applicants respectfully submit that in this description, succession is inherent because the stereophonic recording mode comes after the multiplex recording mode. As such, the Applicants respectfully submit that "in succession" is definite.

### **Rejection Under 35 U.S.C. § 102**

Claims 7-46 and 62-66 were rejected under 35 U.S.C. § 102(e) as being anticipated by Heo. Claims 8-14 and 62 depend from claim 7, claims 16-22 and 63 depend from claim 15, claims 24-30 and 64 depend from claims 23, claims 32-38 and 65 depend from claim 31, and claims 40-46 and 66 depend from claim 39. The Applicants traverse the rejection and respectfully submit that claims 7-46 and 62-66 recite subject matter that is neither disclosed nor suggested by Heo.

As a preliminary matter it appears that the Office Action rejected the claims in view of Heo and Kinoshita, which was applied to the claims beginning on page 3, line 9 of the Office Action. In addition, the Office Action appears to reject claims 53-55, 59-61,

69 and 71 beginning on page 6, line 14 of the Office Action. To the extent the Applicant's understanding is correct, the Applicants traverse the rejection and respectfully submit that claims 53-55, 59-61, 69 and 71 also recite subject matter that is neither disclosed nor suggested by Heo and Kinoshita.

Heo discloses a logic data structure of DVD-video disc, wherein the information regarding audio stream in the control information is disclosed in the audio-stream attribute chart (b63-b0) of Fig. 5. Specifically, the audio stream attribute table of the VTS (VTS\_AST\_ATRT) of RBP 516 to 579 in the VTSI\_MAT having the same structure as that of FIG. 4, stores VTS\_AST\_ATR #0-#7 RBPs of the eight audio streams, each of the VTS\_AST\_ATRs having 8 bytes as shown in FIG. 5, and the respective field's values become the internal information of the audio stream of the VTSM\_VOBS. See column 5, lines 10-17 of Heo.

Kinoshita discloses that in response to the switching signal characteristics of one of the stereo-ponic mode, bilingual mode and monaural mode, the matrix circuit 43 produces first and second output signals.

With respect to claims 7, 15, 23, 31 and 39, the Applicants respectfully submit that Heo and Kinoshita, either singly or in combination, fail to disclose or suggest the claimed features of the invention. Claims 7, 15, 23, 31 and 39, as amended, recite, in part, application information indicating whether or not the audio stream recorded in the video data recoding area contains audio data intermingled from different recording modes and that the different recording modes comprise at least two of stereophonic recording mode, monaural mode and multiplex recording mode. Neither Heo nor Kinoshita disclose or suggest at least the feature of different recording modes

comprising at least two of stereophonic recording mode, monaural mode and multiplex recording mode. As such, the combination of Heo and Kinoshita fail to disclose or suggest the features of the invention as recited in amended claims 7, 15, 23, 31 and 39.

With respect to claims 53 and 59, the Applicants respectfully submit that Heo and Kinoshita, either singly or in combination, fail to disclose or suggest the claimed features of the invention. Claims 53 and 59 recite, in part, a system and a method of reproducing audio data from a disc-shaped recording medium wherein "control information includes a mixed mode flag indicating whether multiplexed audio, multi-channel audio and monaural audio are mixed as one stream" (emphasis added), the system and method both comprising "a reading device which reads the mixed mode flag from the video manager recording area of the recording medium; and a controller which controls the reproduction of the audio data recorded in the video data recording area of the recording medium based on the mixed mode flag."

As acknowledged in the Office Action, Heo does not disclose or suggest a mixed mode flag. Kinoshita fails to cure this deficiency in Heo, as Kinoshita also does not disclose or suggest control information that "includes at least a mixed mode flag indicating whether multiplexed audio, multi-channel audio and monaural audio are mixed as one stream." As such, the Applicants respectfully submit that Heo and Kinoshita do not disclose or suggest at least the combination of features of a mixed mode flag indicating whether multiplexed audio, multi-channel audio and monaural audio are mixed as one stream and reading or controlling the claimed mixed mode flag, as recited in claims 53 and 59.

To establish a *prima facie* case of obviousness, each and every feature of a rejected claim must be taught or suggested by the applied art of record. See M.P.E.P. § 2143.03.

In view of the above, the Applicant respectfully submits that Heo and Kinoshita fail to support a *prima facie* case of obviousness for purposes of a rejection of claims 7, 15, 23, 31 and 39 under 35 U.S.C. § 103. Accordingly, claims 7, 15, 23, 31 and 39 are allowable.

### **Claims 72-76**

Newly added claims 72-76 relate to the feature of a mixed mode in a channel. As each of these claims depends from an allowable claim, the Applicants respectfully submit that claims 72-76 are also allowable.

### **Conclusion**

As noted above, claims 47-52, 56-58 and 67, 68 and 70 have been allowed.

Claims 8-14, 62 and 72 depend from claim 7, claims 16-22, 63 and 73 depend from claim 15, claims 24-30, 64 and 74 depend from claim 23, claims 32-38, 65 and 75 depend from claim 31, claims 40-46, 66 and 76 depend from claim 39; claims 54, 55 and 69 depend from claim 53 and claims 60, 61 and 71 depend from claim 59. The Applicants respectfully submit that these dependent claims are allowable at least because of their dependency from allowable base claims 7, 15, 23, 31, 39. Accordingly, the Applicants respectfully request allowance of claims 7-46, 53-55, 59-66, 69 and 71-76 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107156-09071.**

Respectfully submitted,



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RLB/wbp

Enclosure: Petition for Extension of Time (one month)